

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HEATHER A. MULFORD,

Plaintiff,

v.

ROBINSON MINING COMPANY, et. al.,

Defendants.

Case No. 3:17-cv-00650-RCJ-WGC

**REPORT & RECOMMENDATION OF
U.S. MAGISTRATE JUDGE**

This Report and Recommendation is made to the Honorable Robert C. Jones, Senior United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

On January 30, 2018, the undersigned issued an order granting Plaintiff's application to proceed in forma pauperis (IFP), but dismissed Plaintiff's proposed pro se complaint without prejudice, and with leave to amend, as Plaintiff failed to include substantive facts to support her claims of employment discrimination and violation of the Americans with Disabilities Act (ADA). (ECF No. 4.) Plaintiff was given thirty days to file an amended complaint, and was advised that if she failed to do so, her action may be dismissed. (*Id.*)

As of today's date, Plaintiff has not filed an amended complaint. On March 1, 2018, she filed a document that she styled as a motion to have Robinson Mining Company withdraw from the case. (ECF No. 5.) Robinson Mining Company is not a party to this action, as there is not currently an operative complaint. Moreover, it is not proper for a plaintiff to move for the "withdrawal" of a defendant from an action, as this would leave the plaintiff with no action.

Therefore, it is recommended that Plaintiff's motion (ECF No. 5) be **DENIED**, and that this action be **DISMISSED** as a result of Plaintiff's failure to timely file an amended complaint.

1 Plaintiff should be aware of the following:

2 1. That she may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to
3 this Report and Recommendation within fourteen days of receipt. These objections should be titled
4 "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by
5 points and authorities for consideration by the district judge.

6 2. That this Report and Recommendation is not an appealable order and that any notice of
7 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed
8 until entry of judgment by the district court.

9 DATED: March 6, 2018.

10 

11 WILLIAM G. COBB
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28